

FISKE, J.

CONNECTICUT'S PART IN THE
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Ruth Wyllys Chapter

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By JOHN FISKE

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One of a Course of Historical Lectures given
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Chapter, Daughters of the
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Connecticut and the Federal Constitution.

LADIES AND GENTLEMEN :

The subject to which I would invite your attention today is the state of Connecticut in its relation to the first beginnings and final establishment of Federal government in America. The subject is one which until recently has attracted little attention ; and this is only one among many instances of the fact that a really intelligent and fruitful study of American history is only an affair of yesterday. It is surprising to think how little attention was paid to the subject half a century ago. I believe that, as schoolboys, we did learn something about some of the battles in the War of Independence and two or three of the sea fights of the years 1812-15 ; but our knowledge of earlier times was limited to dim notions about Captain John Smith and the Pilgrim Fathers, while now and then perhaps there flitted across our minds the figures of Putnam and the wolf or a witch or two swinging from the gallows in Salem village, or the painted Indians rushing with wild war whoop into Schenectady. Small pains were taken to teach us the significance of things that had happened at our very doors. I was myself a native of Hartford, yet long after Plymouth Rock had come to mean something to me, the names of Thomas Hooker and Samuel Stone fell upon my ears as

mere empty sound. Much as we were given to bragging, in Fourth of July speeches, on our fine and mighty qualities, we were modestly unconscious of the fact that some of our early worthies were personages as interesting and memorable as their brethren who fought the Lord's battles under Cromwell. In those days when our great historian, Francis Parkman, published his first work, the fascinating book which described the Conspiracy of Pontiac, the greater part of the first edition lay for years untouched on the publishers' shelves, and one of the author's friends said to him, "Parkman, why don't you take some European subject,—something that people will be interested in? Why don't you write about the times of Michael Angelo or the Wars of the Roses or the age of Louis XIV? Nobody cares to read about what happened out here in the woods a hundred years ago." Parkman's reply was like Luther's on a greater occasion, "I do what I do because I cannot do otherwise." That was, of course, the answer of the inspired man marked out by destiny for a needed work. An incident which occurred in my own experience more than twenty years ago has not yet lost for me its ludicrous flavor. A gentleman in a small New England town was asked if some lectures of mine on "America's Place in History" would be likely to find a good audience there. He reflected for a moment, then shook his head gravely: "The subject," said he, "is one which would interest very few people." In the state of mind thus indicated there is something so bewildering that I believe I have not yet recovered from it.

During the past twenty years, however, the interest in American history has been at once increasing and growing enlightened. Every year finds a greater number of people directing their attention to the subject and directing it in a more intelligent way. Twenty years ago the Johns Hopkins University set the example of publishing a monthly series

of pamphlets setting forth the results of special research upon topics that had either escaped attention or been very inadequately treated. One paper would discuss the functions of constables in New England in the early days; another would inquire into the causes of the piracy that infested our coasts at the end of the 17th century; another would make the history of town and county government in Illinois as absorbing as a novel; another would treat of old Maryland manors, another of the influence of Quakers upon anti-slavery sentiment in North Carolina, and so on. Many of the writers of these papers, trained in the best methods of historical study, have become professors of history in our colleges from one end of the Union to the other and are sowing good seed where they go; while other colleges have begun to follow the example thus set. From Harvard and Columbia and the Universities of Wisconsin and Nebraska come especially notable contributions to our study each year. In Kentucky a Filson Club investigates the early overflow of our population across the Alleghanies; in Milwaukee a Parkman Club discusses questions raised by the books of that great writer, while books long forgotten or never before printed are now made generally accessible. Thus the Putnams of New York are bringing out ably edited sets of the writings of the men who founded this republic. Thus Dr. Coues has clothed with fresh life the journals and letters of the great explorers who opened up our Pacific country, while a crowning achievement has been the publication in Cleveland, Ohio, of the seventy-three volumes of Jesuit Relations written during two centuries by missionaries in North America to their superiors in France or Italy. Such things speak eloquently of the change that has come over us. They show that while we can still draw lessons from the Roman Forum and the Frankish Field-of-March, we have awakened to the fact that the New England town meeting also has its historic lessons.

Now when we come to the early history of Connecticut and consider the circumstances under which it was founded we are soon impressed with the unusual significance and importance of every step in the story. We are soon brought to see that the secession of the three river towns from Massachusetts was an event no less memorable than the voyage of the Mayflower or the arrival of Winthrop's great colony in Massachusetts Bay. In order to appreciate its significance, we may begin by pointing out one very marked and noticeable peculiarity of the early arrangement and distribution of population in New England. It formed a great contrast to what occurred in Virginia. The decisive circumstance which insured the success of the Virginia colony after its early period of distress sometimes reaching despair, was the growing European demand for tobacco. The commercial basis of Old Virginia's existence was the exportation of tobacco raised upon large estates along the bank of the James and neighboring rivers. Now we find that colony growing steadily inland in a compact mass presenting a united front against the wilderness and its denizens. We do not find a few settlements on James river, a few on the Rappahannock, and another group perhaps at Lynchburg, quite out of military supporting distance of each other; in other words, we do not find a group of distinct communities, but we find one little state, the further development of which might make a great state, as it did, but could never make a federation of states. If we look at such a colony as Pennsylvania, where church and state were from the outset completely separated, quite as much as in Rhode Island, we find a similar compactness of growth; we find the colony presenting to the wilderness a solid front. If we next consider New Netherland we notice a slight difference. There we find a compact colony with its centre on Manhattan Island, and far up the river another settlement at Albany quite beyond easy supporting distance and

apparently exposed to all the perils of the wilderness. But this settlement of Albany is readily explained, for there was the powerful incentive of the rich fur trade, while the perils of the wilderness were in great measure eliminated by the firm alliance between Dutchmen and Mohawks.

Now when we come to the settlement of New England we find things going very differently. Had the Puritan settlers behaved like most other colonists, their little state, beginning on the shores of Massachusetts Bay, would have grown steadily and compactly westward, pushing the Indians before it. First, it would have brushed away the Wampanoags and Naticks; then the Narragansetts and Nipmucks would have succumbed to them, and in due course of time they would have reached the country of the Pequots and Mohegans. That would have been like the growth of Virginia. It would have been a colonial growth of the ordinary type and it would have resulted in a single New England state, not in a group bearing that name. Very different from this was the actual course of events. Instead of this solid growth, we find within the first ten years after Winthrop's arrival in Massachusetts Bay that while his colony was still in the weakness of infancy, even while its chief poverty, as John Cotton said, was poverty in men, the new arrivals instead of reinforcing it, marched off into the wilderness, heedless of danger, and formed new colonies for themselves. This phenomenon is so singular as to demand explanation, and the explanation is not far to seek. We shall find it in the guiding purpose which led the Puritans of that day to cross the ocean in quest of new homes.

What was that guiding purpose? This is a subject upon which cheap moralizing has abounded. We have been told that the Puritans came to New England in search of religious liberty, and that with reprehensible want of consistency, they proceeded to trample upon religious liberty

as ruthlessly as any of the churches that had been left behind in the old world. We often hear it said that Mrs. Hemans labored under a fond delusion when she wrote

“ They have left unstained what there they found,
Freedom to worship God.”

By no means! cry the modern critics of the Puritans; their record in respect of religious freedom was as far as possible from stainless. From much of the modern writing on this well-worn theme one would almost suppose that religious bigotry had never existed in the world until the settlement of New England; one would almost be led to fancy that racks and thumb screws and the stake had never been heard of.

Now the difficulty with this sort of historic criticism is, that it deals too much in vague generalities and quite overlooks the fact that there were Puritans and Puritans, that the God-fearing men of that stripe were not all cast in the same mould, like Professor Clerk Maxwell's atoms. I have more than once heard people allude to the restriction of the suffrage to church members in the early days of Massachusetts and *Connecticut*, which is very much as if one were to make statements about the despotic government of Czar Nicholas and Queen Victoria. Still more frequently do people confound the men of Plymouth with the very different company that founded Boston. As to Mrs. Hemans, her remark was not so very far from the truth if restricted to the colony of the Pilgrims, about which she was writing. On the whole, the purpose of that little band of Pilgrims was to secure freedom to worship after their own fashion, and similar freedom they were measurably ready to accord to those who came among them. They had witnessed in Holland the good effects of religious liberty, and their attitude of mind was largely determined by the strong personal qualities of such men as John Robinson, William Bradford

and Edward Winslow, who were all noted for breadth, gentleness and tact. The record of Plymouth is not quite unstained by persecution, but it is an eminently good one for the 17th century ; the cases are few and by no means flagrant.

With the colony of Massachusetts Bay the circumstances were entirely different. That colony was at the outset a commercial company, like the great company which founded Virginia and afterward had such an interesting struggle with James I., ending in the loss of the Virginia Company's charter and its destruction as a political body. This fate served as a warning five years later to the Massachusetts Bay Company. Instead of staying in London where hostile courts and the means of enforcing their hostile decrees were too near at hand, they decided to carry their charter across the ocean and carry out their cherished purposes as far removed as possible from interference. Their commercial aims were but a cloak to cover the purpose they had most at heart, a purpose which could not be avowed by any party of men seeking for a royal charter. Their purpose was to found a theocratic commonwealth, like that of the children of Israel in the good old days before their froward hearts conceived the desire for a king. There was no thought of throwing off allegiance to the British Crown ; but saving such allegiance, their purpose was to build up a theocratic society according to their own notions, and not for one moment did they propose to tolerate among them any persons whom they deemed unfit or unwilling to co-operate with them in their scheme. As for religious toleration, they scouted the very idea of the thing. There was no imputation which they resented more warmly than the imputation of treating heretics cordially, as they were treated in the Netherlands. The writings of Massachusetts men in the 17th century leave no possibility of doubt on this point. John Cotton was not a man of persecuting temperament,

but of religious liberty he had a very one-sided conception. According to Cotton, it is wrong for error to persecute truth, but it is the sacred duty of truth to persecute error. Which reminds one of the Hottentot chief's fine ethical distinction between right and wrong : — "Wrong is when somebody runs off with my wife ; right is when I run off with some other fellow's wife." As for Nathaniel Ward, the "Simple Cobbler of Agawam," he tells us that there are people in the world who say, "that men ought to have liberty of their conscience, and that it is persecution to debar them of it." And what answer has the Simple Cobbler to make ? He is for the moment struck dumb. He declares "I can rather stand amazed than reply to this ; it is an astonishment to think that the brains of men should be parboiled in such impious ignorance ; let all the wits under the heavens lay their heads together and find an assertion worse than this and I will petition to be chosen the universal idiot of the world." The reverend gentleman who writes in this pungent style was the person who drew up the first code adopted in Massachusetts, the code which is known as its "Body of Liberties." One and all, these men who shaped the policy of Massachusetts would have echoed with approval the sentiment of the Scottish divine, Rutherford, who declared that toleration of all religions is not far removed from blasphemy. Holding such opinions, they resented the imputation of tolerance in much the same spirit as that in which most members of the Republican party in the years just preceding our Civil War resented the imputation of being Abolitionists.

While the founders of Massachusetts thus stoutly opposed religious liberty their opinions did not bear their worst fruits until after the middle of the century, when men of persecuting temperament like Norton and Endicott acquired control. In the earlier years the fiery zeal of such men as Wilson and Dudley was tempered by the fine tact

and moderation of Winthrop and Cotton. Winthrop's view of such matters was interesting and suggestive. In substance it was as follows: Here we are in the wilderness, a band of exiles who have given up all the comforts of our old homes, all the tender associations of the land we love best, in order to found a state according to a preconceived ideal in which most of us agree. We believe it to be important that the members of a Christian commonwealth should all hold the same opinions regarding essentials, and of course it is for us to determine what are essentials. If people who have come here with us hold different views they have made a great mistake and had better go back to England. But if, holding different views, they still wish to remain in America, let them leave us in peace, and going elsewhere, found communities according to their conceptions of what is best. We do not wish to quarrel with them, but we tell them plainly that they cannot stay here. Is there not, in this vast wilderness, enough elbow room for many God-fearing communities?

It was in accordance with this policy that when the first Congregational church was organized at Salem, two gentlemen who disapproved of the proceedings were sent on board ship and carried back to England. And again, when profound offence had been taken at certain things said by Roger Williams and there was some talk of sending him to England, he was privately notified by Winthrop that if he would retire to some place beyond the Company's jurisdiction, such as Narragansett Bay, he need not fear molestation. This was virtually banishment, though not so sharp and harsh as that which was visited upon Mrs. Hutchinson and her friends after their conviction of heresy by a tribunal sitting in what is now Cambridge. Some of these heretics led by John Wheelwright went northward to the Piscataqua country. At the mouth of that romantic stream the Episcopal followers of Mason and Gorges had lately

founded the town of Portsmouth, and Wheelwright's people, in settling Exeter and Hampton, found these Episcopalians much pleasanter neighbors than they had left in Boston. As for Mrs. Hutchinson and her remaining friends, they found new homes upon Rhode Island. A few years later that eccentric agitator, Samuel Gorton, whom neither Plymouth nor even Providence nor Rhode Island could endure, bought land for himself on the western shore of Narragansett Bay and made the beginnings of Warwick.

From these examples we see that the principal cause of the scattering of New England settlers in communities somewhat remote from each other was inability to agree on sundry questions pertaining to religion. It should be observed in passing that their differences of opinion seldom related to points of doctrine, but almost always to points of church government or religious discipline. For the most part, they were questions on the borderland between theology and politics. Between the settlements here mentioned the differences were strongly marked. While Winthrop's followers insisted upon the union of church and state, those of Roger Williams insisted upon their complete separation. The divergences of the New Hampshire people and those of the Newport colony had somewhat more of a doctrinal complexion, being implicated with sundry speculations as to salvation by grace and salvation by works. These examples have prepared us to understand the case of Connecticut. The secession which gave rise to Connecticut was attended by no such stormy scenes as were witnessed at the banishment of Wheelwright and Mrs. Hutchinson, yet it included a greater number of elements of historic significance and was in many ways the most important and remarkable of the instances of segmentation which occurred in early New England.

When the charter of the Massachusetts Company was brought to the western shore of the Atlantic the mere fact

of separation from England sufficed to transmute the commercial corporation into a self-governing republic. The Company had its governor, its deputy-governor and its council of eighteen assistants, as was commonly the case with commercial joint stock companies. In London this governing board would have exercised almost autocratic control over the transactions of the company, although politically it would have remained a body unknown to law, however much influence it might have exerted. But on American soil the Company at once became a political body, and its governor, deputy-governor and assistants became the ruling head of a small republic consisting of the Company's settlers in Salem, Charlestown, Boston, Roxbury, Dorchester, Watertown, and a little group of houses halfway between Watertown and Boston and known for a while simply as the New Town. This designation indicated its comparative youth; it was about a year younger than its sister towns! Nothing was said in the charter about a popular representative assembly, and at first the government did not feel the need of one. They were men of strong characters, who knew what they wanted and intended to have it. They had selected the New Town for a seat of government, since it was somewhat less exposed to destruction from a British fleet than Boston; and these men were doing things well calculated to arouse the ire of King Charles. They felt themselves quite competent to sit in the New Town and make laws which should be binding upon all the neighboring settlements. But they soon received a reminder that such was not the way in which freeborn Englishmen like to be treated. In 1631 the governor, deputy-governor and assistants decided that on its western side the New Town was too much exposed to attacks from Indians. Accordingly, it was voted that a palisade should be built extending about half a mile inland from Charles river and a tax was assessed upon the towns

to meet the expense of this fortification. The men of Watertown flatly refused to pay their share of this tax because they were not represented in the body which imposed it. These proceedings were followed by a great primary assembly of all the settlers competent to vote and it was decided that hereafter each town should send representatives to a general assembly the assent of which should be necessary to all the acts of the governor and his council. Thus was inaugurated the second free republican government in America, the first having been inaugurated in Virginia thirteen years before, and both having been copied from the county government of England in the old English county court.

The protest of the Watertown men gave expression to a feeling that had many sympathizers in Dorchester and the New Town. For some reason these three towns happened to contain a considerable proportion of persons not fully in sympathy with the aims of Winthrop and Cotton and the other great leaders of the Puritan exodus. In the theocratic state which these leaders were attempting to found, one of the corner-stones, perhaps the chiefest corner-stone, was the restriction of the rights of voting and holding civil office to members of the Congregational Church qualified for participation in the Lord's Supper. The ruling party in Massachusetts Bay believed that this restriction was necessary in order to guard against hidden foes and to assure sufficient power to the clergy; but there were some who felt that the restriction would give to the clergy more power than was likely to be wisely used, and that its tendency was distinctly aristocratic. The minority which held these democratic views was more strongly represented in Dorchester, Watertown and the New Town than elsewhere. Here, too, the jealousy of encroachments upon local self-government was especially strong, as illustrated in the protest of Watertown above mentioned. It is also a significant

fact that in 1633 Watertown and Dorchester led the way in instituting town government by Selectmen.

In September, 1633, there arrived upon the scene several interesting men, three of whom call for special mention. These were John Haynes, Samuel Stone and Thomas Hooker. Haynes was born in Copford Hall, Essex, but the date of his birth is unknown, and the same may be said of the details of his early life. He is now remembered as the first governor of Connecticut and as having served in that capacity every alternate year until his death. He has been described as a man "of large estate and larger affections; of heavenly mind and spotless life, sagacious, accurate, and dear to the people by his benevolent virtues and disinterested conduct." Samuel Stone was born in Hertford in 1602 and was graduated at Emmanuel College, Cambridge, in 1627, being already known as a shrewd and tough controversialist, abounding in genial humor and sometimes sparkling with wit. Thomas Hooker was an older man, having been born in Markfield, Leicestershire, in 1586. He was graduated at Emmanuel College, Cambridge, and afterward became a Fellow of that College. In 1626 he was appointed assistant to a clergyman in Chelmsford and preached there, but in 1630 was forbidden to preach by Archbishop Laud. For a while Hooker stayed in his home near Chelmsford and taught a school in Little Braddon, where he had for an assistant teacher John Eliot, afterward famous as the apostle to the Indians. This lasted but a few months. Things were made so disagreeable for Hooker that before the end of 1630 he made his way to Holland and stayed there until 1633, preaching in Rotterdam and Delft. At length, in the summer of 1633, he decided to go to New England and sailed in the good ship Griffin. In the same ship came Haynes and Stone, and upon their arrival in Massachusetts Bay all three established themselves at the New Town, which was soon to be called Cambridge. In the preceding year a

congregation from Braintree in Essex had come over to Massachusetts and begun to settle near Mount Wollaston where they left the name of Braintree on the map, but presently they removed to the New Town where their accession raised the population to something like 500 souls. Hooker, upon his arrival, was chosen pastor and Stone was chosen teacher of the New Town church.

During the ensuing year expressions of dissent from the prevailing policy began to be heard more distinctly than before in the New Town. Among the questions which then agitated the community was one which concerned the form which legislation should take. Many of the people expressed a wish that a code of laws might be drawn up, inasmuch as they naturally wished to know what was to be expected of law-abiding citizens; but the general disposition of the ministers was to withstand such requests and to keep things undecided until a body of law should grow up through the decisions of courts in which the ministers themselves played a leading part. The controversy over this question was kept up until 1647, when the popular party, if we may so call it, carried the day, and caused a code of law to be framed. This code, of which Nathaniel Ward was the draughtsman, was known as the Body of Liberties. In all this prolonged discussion the representative assembly was more or less opposed by the council of assistants. In short, there was a very clear division in Massachusetts between what we may call the aristocratic and democratic parties. Perhaps it would also be correct to distinguish them as the theocratic and secular parties. On the one side were the clergymen and aristocrats who wished to make political power the monopoly of a few, while on the other hand, a considerable minority of the people wished to secularize the politics of the community and place it upon a broader basis. The foremost spokesmen of these two parties were the two great ministers, John Cotton and Thomas Hooker. Both

were men of force, sagacity, tact, and learning. They were probably the two most powerful intellects to be found on Massachusetts Bay. Their opinions were clearly expressed. Hooker said: "In matters of greater consequence, which concern the common good, a general council, chosen by all, to transact businesses which concern all, I conceive, under favor, most suitable to rule and most safe for relief of the whole." Here we have one of the fundamental theorems of democracy stated in admirably temperate language. On the other hand, Cotton said: "Democracy I do not conceive that ever God did ordain as a fit government either for church or commonwealth." Hooker also had more or less discussion with Winthrop, in which it appeared that the ideal of the former was government of the people by the people, while that of the latter was government of the people by a selected few.

Among the principal adherents of Hooker were John Warham, the pastor, and John Maverick, the teacher, of Dorchester, both of them natives of Exeter in Devonshire. There was also George Phillips, a graduate of Cambridge, who had since 1630 been pastor of the church at Watertown. Another adherent was Roger Ludlow of Dorchester, a brother-in-law of Endicott. Ludlow had been trained for the bar and was one of the most acute and learned of the Puritan settlers. The vicissitudes of his life might perhaps raise a suspicion that wherever there was a government, he was "agin it." At all events, he was conspicuous in opposition at the time of which we are speaking.

By 1635 many reports had come to Boston of the beautiful smiling fields along the Connecticut river. Attention had been called to the site of Hartford because here the Dutch had built a rude block house and exchanged defiance with boats from Plymouth coming up the river. At the river's mouth the Saybrook fort, lately founded, served to cut off the Dutch fortress of Good Hope from its supports on the

Hudson river, and all the rest of what is now Connecticut was rough and shaggy woodland. All at once it appeared that in the congregations of Dorchester, Watertown and the New Town, a strong desire had sprung up of migrating to the banks of the Connecticut. There was no unseemly controversy, as in the cases of Roger Williams and Mrs. Hutchinson. This case was not parallel to theirs, for Hooker was no heresiarch and Massachusetts was most anxious to keep him and his friends. To lose three large congregations would but aggravate its complaint of poverty in men. Moreover, antagonists like Hooker and Cotton knew how to be courteous. When the discontented congregations petitioned the General Court for leave to withdraw from the neighborhood, the reasons which they alleged were so ludicrous as to make it plain that they were merely set forth as pretexts to do duty instead of the real reasons. It was alleged, for example, that they had not room enough to pasture their cattle. The men who said this must have had to hold their sides to keep from bursting with laughter. Not enough room in Cambridge for 500 people to feed their cattle! Why, then, did they not simply send a swarm into the adjacent territory,—into what was by and by to be parcelled out as Lexington and Concord and Acton? Why flit a hundred miles through the wilderness and seek an isolated position open to attack from many quarters? It is impossible to read the fragmentary records without seeing that the weighty questions were kept back; but there is one telltale fact which is worth reams of written description. In the state which these men went away and founded on the banks of our noble river there was no limitation of the suffrage to members of the churches. In words of perfect courtesy the ministers and magistrates of Boston deprecated the removal of a light-giving candlestick, but the candlestick could not be prevailed upon to stay, and the leave so persistently sought was reluctantly granted.

A wholesale migration ensued. About 800 persons made their way through the forest to their new homes on the further bank of the Connecticut river. The Dorchester congregation made the settlement which they called at first by the same name, but presently changed it to Windsor. The men from Watertown built a new Watertown lower down, which was presently rechristened Wethersfield; and between them the congregation from the New Town, led by its pastor and teacher, halted near the Dutch fort and called their settlement Hartford, after Stone's English birthplace. About half of the migration seems to have come to Hartford, and the wholesale character of it may be best appreciated when we learn that of the 500 inhabitants of Cambridge at the beginning of the year, only 50 were left at the end of it. Truly, our good city on the Charles was well-nigh depopulated. A great many empty houses would have been consigned to decay but for one happy circumstance. Just as Hooker's people were leaving, a new congregation from England was arriving. These were the learned Thomas Shepard and his people. They needed homes, of course, and the houses of the seceders were to be had at reasonable prices. I cannot refrain from mentioning, before taking my departure from this part of the subject with the the seceders, that Shepard's people were much more in harmony with the Massachusetts theocracy than their predecessors. Indeed, when in that very year it was decided that the colony must have a college, it was further decided to place it in the New Town where its students and professors might sit under the preaching of Mr. Shepard, a man so acute and diligent in detecting and eradicating heresy that it could by no possibility acquire headway in his neighborhood. Thus Harvard College was founded by graduates of the ancient university on the Cam; and thus did the New Town at last acquire its name of Cambridge. But alas for human foresight. The first president that

Harvard had was expelled from his place for teaching heresy, being neither more nor less than a disbeliever in the propriety of infant baptism !

At first the seceders said nothing about escaping from the jurisdiction of Massachusetts, and indeed, the permission granted to the Watertown congregation expressly provided that in their new home they should remain a part of that commonwealth. What Hooker and his friends may have at first intended we do not really know. One thing is clear : they waited until their new homes were built before they took the great question of government in hand. At about the same time a party from Roxbury migrated westward and founded Springfield higher up the river. Their leader, William Pynchon, was more than once in very bad repute with the people of Boston and some years later he published in London a treatise on the Atonement which our Boston friends solemnly burned in the marketplace by order of the General Court. For a couple of years the affairs of Windsor, Hartford and Wethersfield were managed by a commission from Massachusetts in which William Pynchon and Roger Ludlow were the leading spirits.

There was a difference in the position of Springfield and the three lower towns with reference to the government in Boston. The charter of the Massachusetts Company granted it a broad strip of land running indefinitely westward. With the imperfect geographical knowledge of that time and in the entire absence of surveys, it was possible for Massachusetts to claim Springfield as situated within her original grant. No such claim, however, was possible in the case of the three lower towns. Latitude settled the business for them to the satisfaction of anybody who could use a sextant. If they chose to set up for themselves, Massachusetts could find no reasonable ground upon which to oppose them. Moreover, it was distinctly bad policy for Massachusetts to be too exigent in such a matter, or to

make the Connecticut seceders her enemies. Massachusetts was playing a part of extraordinary boldness with reference to the British government. It took all the skill and resources of one of the most daring and sagacious statesmen that ever lived (and such John Winthrop certainly was) to steer that ship safely among the breakers that threatened her, and to quarrel with such worthy friends as the men of Connecticut, except for some most imperative and flagrant cause, would be the height of folly.

Thus left quite free to act for themselves, the three river towns almost from the beginning behaved as an independent community. In May, 1637, a legislature called a General Court was assembled at Hartford. A committee of three from each town, meeting at Hartford, elected six magistrates and administered to them an oath of office. The government thus established superseded the commission from Massachusetts and it is worth noting that it derived its authority directly from the three towns. In the nine deputies we have the germ of the representative assembly, and in the six elected magistrates we have the analogue of the Massachusetts council of assistants.

The relations of the towns, however, needed better definition, and on the 14th of January, 1639, a convention met at Hartford which framed and adopted a written constitution, creating the commonwealth of Connecticut. The name of this written constitution was "The Fundamental Orders of Connecticut." These Orders, as already observed, placed no ecclesiastical restrictions upon the suffrage, but gave it to all admitted freemen who had taken the oath of fidelity to the commonwealth; and lest there should be any doubt who were to be regarded as admitted freemen, the General Court afterward declared that the phrase meant all who had been admitted by a town. From this it appears that in Connecticut the towns were the original sources of power, just as in our great federal republic the original

sources of power are the states. It was perfectly well understood that each town was absolutely self-governing in all that related to its own local affairs, and that all powers not expressly conferred upon the General Court by these Fundamental Orders remained with the town. One express direction to the towns reminds one of the provision in our Federal Constitution that it shall guarantee to each state a republican form of government. In like manner the Fundamental Orders provide that each town shall choose a number of its inhabitants not exceeding seven to administer its affairs from year to year. With regard to the General Court, it was ordered that each town should send four deputies to represent it until the number of towns should so increase that this rule would make an assembly inconveniently large, in which case the number for each town might be reduced. The noticeable feature is, that the towns were to be equally represented, without regard to their population. This feature gives a distinctly federal character to this remarkable constitution. In the face of this fact it cannot well be denied that the original Connecticut was a federation of towns. A careful and detailed study of the history of the two states would further convince us that the town has always had more importance in Connecticut than in Massachusetts.

With regard to the governor, there was to be a system of popular election without any preliminary nomination. An election was to be held each year in the spring, at which every freeman was entitled to hand to the proper persons a paper containing the name of the person whom he desired for governor. The papers were then counted and the name which was found on the greatest number of ballots was declared elected. Here we have the popular election by a simple plurality vote. As for the six magistrates, the deputies from each town in the General Court might nominate two candidates, and the Court as a whole might nomi-

nate as many more as it liked. This nomination was not to be acted upon until the next or some subsequent meeting of the Court. When the time came for choosing six the secretary read the names of the candidates and in the case of each candidate every freeman was to bring in a written ballot which signified a vote in his favor, and a blank ballot which was equivalent to a black-ball, and he who had more votes than black-balls was chosen.

Into the details of this constitution I need not go, but may dismiss it with a few general remarks.

In the first place, it was the first written constitution known to history that created a government.

Secondly, it makes no allusion to any sovereign beyond seas, nor to any source of authority whatever except the three towns themselves.

Thirdly, it created a state which was really a tiny federal republic, and it recognized the principal of federal equality by equality of representation among the towns, while at the same time it recognized popular sovereignty by electing its governor and its Upper House by a plurality vote.

Fourthly, let me repeat, it conferred upon the General Court only such powers as were expressly granted. In these peculiarities we may see how largely it served as a precedent for the Constitution of the United States.

But it was not only in the league of the three river towns that the principles of town autonomy and federation were asserted. Let us turn aside for a moment and consider some of the circumstances under which the sister colony of New Haven was founded. The headlong overthrow of the Pequots in the spring of 1637 and the pursuit of the fugitive remnant of the tribe had made New England settlers acquainted with the beautiful shores of Long Island Sound. Just at that time a new company arrived in Boston from England. The general purpose of these new-comers was nearly identical with that of the magistrates in Boston.

They desired a theocratic government of aristocratic type in which the clergy and magistrates should possess the chief share of power, and they also, like the Boston clergy, were unwilling for the present to concede a definite code of laws. Why then did not this new party remain in the neighborhood of Boston? They would have done much toward healing that complaint of poverty in men of which John Cotton spoke; and one would suppose moreover that after having recently suffered from so large a secession as that which founded the three river towns of Connecticut the Boston people would have been over-anxious to retain these new-comers in their neighborhood. Nevertheless it was amicably arranged that the new party, of which John Davenport and Theophilus Eaton were the leaders, should try its fortunes on the coast of Long Island Sound. Massachusetts colony of course had no authority to restrain them. If they chose to go outside the limits of the Massachusetts charter and thus be free at once from its restrictions and its protection, it was open to them to do so. What could have been their motive? The records of the time leave us in some doubt, but I suspect that they found the minority in Massachusetts too troublesome. There was a very considerable minority which disapproved of the theocratic policy, and although it had been weakened by the departure of the Connecticut men, yet it still remained troublesome and grew more so from year to year until after two generations it contributed to the violent overthrow of the Massachusetts charter. In the summer of 1637 the air of Boston was dense with complaints of theological and political strife, and one may believe that the autocratic Davenport preferred to try his fortunes in a new and untried direction. Not only was the Old World given over to the Man of Sin, but that uncomfortable personage had even allowed his claws and tail to make an appearance among the saints of Boston.

For such reasons doubtless the Davenport party came

into the Sound and chose for their settlement the charming bay of Quinnipiac. They called their settlement New Haven, with a double meaning, as commemorating old English associations and as an earnest of the spiritual rest which they hoped to secure. In the course of the year 1638 and '39 settlements were also made at Milford and Guilford and in 1640 at Stamford. Somewhat later the towns of Branford and Southold on Long Island were added.

Now these infant towns did not at the first moment form themselves into a commonwealth, but they retained each its autonomy like the towns of ancient Greece, and each of these independent towns was little else than an independent congregation. All over New England the town was practically equivalent to the parish. In point of fact it was the English parish brought across the ocean and self-governing, without any subjection to a bishop. But nowhere perhaps was the identification of church and state in the affairs of the town so completely identified as in these little communities on the banks of the Sound. In June of 1639, less than half a year after the constitution of Connecticut, the planters of New Haven held a meeting in Robert Newman's lately finished barn and agreed upon a constitution for New Haven. Mr. Davenport began by preaching a sermon from the text—"Wisdom hath builded her house; she hath hewn out her seven pillars." After the sermon six fundamental orders were submitted to the meeting and adopted by a show of hands. The general purport of these orders was that only church members could vote and hold office. Even in that gathering of saints such a rule would disfranchise many, and it was not adopted without some opposition. It was then provided that all the freemen (that is, church members) should choose twelve of their number as electors and that these twelve should choose the seven magistrates who were to administer the affairs of the settlement. These magistrates were really equivalent to select men; they were

known as pillars of the church. It was furthermore agreed that the Holy Scriptures contain perfect rules for the ordering of all affairs civil and domestic as well as ecclesiastical. So far was this principle applied that New Haven refused to have trial by jury because no such thing could be found in the Mosaic law. The assembling of freemen for an annual election was simply the meeting of church members to choose the twelve electors while the rest of the people had nothing to say. It was therefore as far as possible from the system adopted by the three river towns. The constitution of Connecticut was democratic, that of New Haven aristocratic. Connecticut, moreover, at its beginning was a federation of towns; New Haven at its beginning was simply a group of towns juxtaposed but not confederated.

Nevertheless circumstances soon drove the New Haven towns into federation, and here for a moment let us pause to consider how federation was inevitably involved in this whole process which we have been considering. We have seen that the principal reason why New England did not develop into a single, solid state like Virginia or Pennsylvania, but into a congeries of scattered communities, was to be found in the slight but obstinate differences between different parties of settlers on questions mainly of church polity, sometimes of doctrine; and we must remember that the isolation of these communities was greater than we can easily realize, because our minds are liable to be confused by the consolidation that has come since. There were three or four towns on the Piscataqua as a beginning for New Hampshire; there were ten or twelve towns about Boston Harbor; two or three in Plymouth Colony; two or three more on Rhode Island besides Roger Williams's plantation at Providence, and presently Gorton's at Warwick; then there was a lonely fortress at Saybrook; and lastly, the federation of Connecticut and the scattered molecules of

New Haven. The first result of so much dispersal had been a deadly war with the Indians, and although the annihilation of the Pequots served as a dreadful warning to all red men, yet danger was everywhere so imminent as to make some kind of union necessary for bringing out in case of need the military strength of these scattered communities. Thus arose the famous New England confederation of 1643 in which Massachusetts, Plymouth, Connecticut and New Haven united their fortunes. Now when the question of forming this federation came up, New Haven could not very well afford to be left out. She possessed only the territory which she had bought from the Indians, while Connecticut, with an audacity like that of Old World empires, claimed every rood of land the occupants of which had ever paid tribute to the extinguished Pequots. She was laying one finger upon the Thames river and another upon the Housatonic, while she sent parties of settlers to Fairfield and Stratford, thus curtailing and invading New Haven's natural limits. "In union there is strength," and so the towns of the New Haven colony united themselves into a little federal republic.

I need not pursue this subject, for I have said enough to indicate the points which concern us today. Let me only mention one interesting feature of the events which annexed aristocratic New Haven to her democratic neighbor. When I say aristocratic New Haven, I am not thinking of dress and furniture and worldly riches, yet it was a matter of comment that the New Haven leaders were wealthy, that paneled wainscots and costly rugs and curtains were seen in their houses, when there was as yet nothing of that sort to be found in the three river towns, and that they were inclined to plume themselves upon possessing the visible refinements of life. The policy of their theocracy toward the British crown was very bold, like that of Massachusetts, but it was imprudent inasmuch as they were far from having the

strength of the older colony. It is a thrilling story that of the hunt for the regicides, and Davenport's defiant sermon on the occasion. It was magnificent, but it was not diplomacy. On the other hand the policy of Connecticut at that time was shaped by a remarkable man, no less than John Winthrop, son of the great founder of Massachusetts, a man of vast accomplishments, scientific and literary, a fellow of the Royal Society. Inheriting much of his father's combination of audacity with velvet tact, he knew at once how to maintain the rights and claims of Connecticut and how to make Charles II. think him the best fellow in the world. We have seen that in making her first constitution Connecticut did not so much as allude to the existence of a British government, but in the stormy times of the Restoration that sort of thing would no longer do. So the astute Winthrop sought and obtained a royal charter which simply gave Connecticut what she had already, namely the government which she had formed for herself, and which was so satisfactorily republican that she did not need to revise it in 1776 but lived on with it well into the nineteenth century. This charter defined her territory in such a way as to include naughty New Haven, which was thus summarily annexed. And how did New Haven receive this? The disfranchised minority hailed the news with delight. The disgruntled theocrats in great part migrated to New Jersey and the venerable Davenport went to end his days in Boston. Between New Haven and Boston the sympathy had always been strong. The junction with Connecticut was greatly facilitated by the exodus of malcontents to New Jersey, and it was not long before the whole of what is now Connecticut had grown together as an extensive republic composed of towns whose union presented in many respects a miniature model of our present great federal commonwealth.

We may now in conclusion point to the part which Con-

necticut played in the formation of the federal constitution under which we live. You will remember that there was strong opposition to such a constitution in most of the states. Everywhere there was a lurking dread of what might be done by a new and untried continental power, possessing powers of taxation and having a jurisdiction beyond and in some respects above those of the separate thirteen states. You will remember that the year 1786 was one in which civil war was threatened in many quarters, and something approaching civil war actually existed in Massachusetts. The opposition between North and South was feeble compared to what it afterward became, yet there was real danger that the Kentucky settlements would secede from the Union and be followed by the southern states. The jealousy between large and small states was more bitter than it is now possible for us to realize. War seemed not unlikely between New York and New Hampshire and actually imminent between New York and her two neighbors, Connecticut and New Jersey. It was in a solemn mood that our statesmen assembled in Philadelphia, and the first question to be settled, one that must be settled before any further work could be done, was the way in which power was to be shared between the states and the general government.

It was agreed that there should be two houses in the federal legislature, and Virginia, whose statesmen led by George Washington and James Madison were taking the lead in the constructive work of the moment, insisted that both houses should represent population. To this the large states assented; while the small states, led by New Jersey, would have nothing of the sort, but insisted that representation in the federal legislature should be only by states. Such an arrangement would have left things very much as they were under the old federation. It would have left congress a mere diplomatic body representing a league of

sovereign states. If such were to be the outcome of the combination, it might as well not have met.

The bitterness and fierceness of the controversy was extreme. Gunning Bedford of Delaware exclaimed to the men of whom James Madison was the leader, "Gentlemen, I do not trust you. If you possess the power, the abuse of it could not be checked; and what then would prevent you from exercising it to our destruction. Sooner than be ruined, there are foreign powers who will take us by the hand." When talk of this sort could be indulged in, it was clear that the situation had become dangerous. The convention was on the verge of breaking up, and the members were thinking of going home, their minds clouded and their hearts rent at the imminency of civil strife, when a compromise was suggested by Oliver Ellsworth of Windsor, Roger Sherman of New Haven, and William Samuel Johnson of Stratford,—three immortal names. These men represented Connecticut, the state which for a hundred and fifty years had been familiar with the harmonious co-operation of the federal and national principles. In the election of her governor Connecticut was a little nation; in the election of her assembly she was a little confederation. However the case may stand under the altered conditions of the present time, Connecticut had in those days no reason to be dissatisfied with the working of her government. Her delegates suggested that the same twofold principle should be applied on a continental scale in the new constitution; let the national principle prevail in the House of Representatives and the federal principle in the Senate.

This happy thought was greeted with approval by the wise old head of Franklin, but the delegates obstinately wrangled over it until when the question of equality of suffrage in the senate was put to vote the compromise went to the verge of defeat. The result was a tie. Had the vote of Georgia been given in the negative, it would have defeated

the compromise, but this catastrophe was prevented by the youthful Abraham Baldwin, a native of Guilford and lately a tutor in Yale College, who had recently emigrated to Georgia. Baldwin was not convinced of the desirableness of the compromise, but he felt that its defeat was likely to bring about that worst of calamities, the breaking up of the convention. He prevented such a calamity by voting for the compromise contrary to his colleague, whereby the vote of Georgia was divided and lost.

Thus it was that at one of the most critical moments of our country's existence the sons of Connecticut played a decisive part and made it possible for the framework of our national government to be completed. When we consider this noble climax and the memorable beginnings which led up to it, when we also reflect the mighty part which federalism is unquestionably destined to play in the future, we shall be convinced that there is no state in our Union whose history will better repay careful study than Connecticut. Surely few incidents are better worth turning over and over and surveying from all possible points of view than the framing of a little confederation of river towns at Hartford in January, 1639.

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